



PLANNING DIRECTOR'S HEARING AGENDA

Wednesday, November 28, 2012

**9:00 a.m.
City Council Chambers
City Hall**

**200 East Santa Clara Street
San José, California 95113-1905**

Hearing Officer

**Salifu Yakubu, Division Manager,
On Behalf of**

**Joseph Horwedel, Director
Planning, Building, and Code Enforcement**

NOTICE

To request an accommodation for City-sponsored meetings or events or an alternative format for printed materials, please call Support Staff at 408-535-7811 or 408-294-9337 (TTY) as soon as possible, but at least three business days before any meeting or event. If you requested such an accommodation, please identify yourself to the technician seated at the staff table. If you did not call in advance and do now need assistance, please see the technician.

NOTICE TO THE PUBLIC

Good morning, this is the Planning Director's Hearing of **November 28, 2012**. My name is ***Salifu Yakubu*** and I am the Hearing Officer for today's agenda. On behalf of and delegated by the Planning Director, I would like to welcome you to this Public Hearing. Please remember to turn off your cell phones and pagers as we are broadcasting and recording this meeting. A copy of the agenda is available on the tables by the doors for your convenience. A validation machine is available at the top of the stairs at the rear of these chambers for parking tickets for the garage underneath City Hall.

The procedure for this hearing is as follows:

- I will identify the project as described on the agenda
- Staff will provide a brief report
- After the staff report, applicant and/or representative will have up to 5 minutes to speak and should make themselves known as their item comes up by approaching the microphone and identifying themselves and stating their home address, or just wave from the audience if you do not wish to speak
- Public testimony of up to 2 minutes, either for or against the project. Please state name and home address for the record
- After the public testimony, the applicant may make closing remarks of up to 5 minutes
- The public hearing will then be closed and I will take action on the item. The Hearing Officer may request staff to respond to the public testimony, ask staff questions, and discuss the item

If you challenge these land use decisions in court, you may be limited to raising only those issues you or someone else raised at this public hearing or in written correspondence delivered to the City at, or prior to, the public hearing.

The Planning Director's action on these agenda items is final when the permit is signed and mailed, unless the permit is appealed. The Planning Director's actions are appealable in accordance with the requirements of Title 20 of the Municipal Zoning Code.

The City of San Jose is committed to open and honest government and strives to consistently meet the community's expectations by providing excellent service, in a positive and timely manner, and in the full view of the public. The City Code of Ethics may be viewed on-line at http://www.sanjoseca.gov/clerk/cp_manual/CPM_0_15.pdf.

All public records relating to an open session item on this agenda, which are not exempt from disclosure pursuant to the California Public Records Act, that are distributed to a majority of the legislative body will be available for public inspection at the Planning, Building and Code Enforcement at San José City Hall, 200 E. Santa Clara Street, San José, CA 95113 at the same time that the public records are distributed or made available to the legislative body.

Note: If you have any questions regarding the agenda, please contact Support Staff at 408-535-7811

AGENDA

ORDER OF BUSINESS

1. DEFERRALS

Any item scheduled for hearing this morning for which deferral is being requested will be taken out of order, to be heard first on the matter of deferral. A list of staff recommended deferrals is available on the table. I will identify the items to be deferred and then ask for comments from the audience. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time. I will now open the public hearing. The following items are proposed to be deferred.

NO ITEMS

The matter of Deferrals is now closed.

2. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be considered together. There will be no separate discussion of these items unless a request is made by the staff or the public to have an item removed from the consent calendar and considered separately.

- a. **H12-016**. Site Development Permit to demolish an existing approximately 2,600 square foot clubhouse and office building and replace in the same general location with a new approximately 2,640 square foot clubhouse and office building including the removal of 4 ordinance size Melaleuca trees, at a 174-unit apartment complex on a 5.9 gross acre site in the R-M Multiple Residence Zoning District, located on the south side of Moorpark Avenue, approximately 1,150 feet easterly of Saratoga Avenue (3900 Moorpark Ave) (Hudson Portofino LLC, Owner). Council District 1. CEQA: Exempt. *Project Manager, John Baty*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Site Development Permit to demolish an existing approximately 2,600 square foot clubhouse and office building and replace in the same general location with a new approximately 2,640 square foot clubhouse and office building including the removal of 4 ordinance size Melaleuca trees, at a 174-unit apartment complex on a 5.9 gross acre site in the R-M Multiple Residence Zoning District.

- b. **HA75-064-01**. Tree Removal Permit to allow the removal of one (1) Eucalyptus tree, approximately 112 inches in circumference, located in the common area of a multi-family lot in the CP Pedestrian Commercial Zoning District, located at 3315 Almaden Expressway (Alliance Federal Credit Union, Owner). Council District 9. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow the removal of one (1) Eucalyptus tree, approximately 112 inches in circumference, located in the common area of a multi-family lot in the CP Commercial Pedestrian Zoning District.

- c. **PD12-009**. Planned Development Permit to allow 439 multi-family residential units on a 6.03 gross acre site in the A(PD) Planned Development Zoning District, located on the north side of Montecito Vista Drive, approximately 400 feet westerly of Goble Lane (The Montecito Vista Product Owner, LLC, owner). Council District 7. SNI: None. CEQA: Reuse of Goble Lane Mixed-Use Development Final EIR, File No. PDC02-066, Resolution No. 72877. *Project Manager, Sylvia Do*

Staff Recommendation: Consider the Reuse of Goble Lane Mixed-Use Development Final EIR, File No. PDC02-066, in accordance with CEQA. Approve a Planned Development Permit to allow 439 multi-family residential units on a 6.03 gross acre site in the A(PD) Planned Development Zoning District.

- d. **PDA70-009-02**. Tree Removal Permit to allow removal of one (1) Pine tree with circumference of 69" on the common grounds of a multi-family home complex in the A(PD) Planned Development Zoning District, located at 989 Gilchrist Drive Unit 2 (Avery, Charles L, Owner). Council District 4. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow removal of one (1) Pine tree with circumference of 69" on the common grounds of a multi-family home complex in the A(PD) Planned Development Zoning District.

- e. **PDA79-013-02**. Planned Development Permit Amendment to allow 24-hour use in an existing pharmacy (CVS) in the A(PD) Planned Development Zoning District on a 2.70 gross acre site located on the south side of Blossom Hill Road approximately 750 feet west of Snell Avenue (470 BLOSSOM HILL RD) (Bloom Rose J Trustee, Owner). Council District 10. SNI: None. CEQA: Exempt. *Project Manager, Aparna Ankola*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Planned Development Permit Amendment to allow 24-hour use in an existing pharmacy (CVS) in the A(PD) Planned Development Zoning District on a 2.70 gross acre site.

- f. **PDA79-056-05**. Tree Removal Permit to allow the removal of three (3) trees: one Sycamore, one Eucalyptus and one Alder with Diameters of 34, 19.5 and 34 inches. Trees are located by 2036-2043 Hamilton Pl, by 1332-1335 Greenwich Court, and 1312-1323 Greenwich Court on the commons of Hamilton Place of approximately .62 acres in the A(PD) Zoning District, located at the Northwest Corner of Hamilton Ave/ Leigh Ave, Hamilton Ave, and Leigh Ave (1600 Hamilton Place) (Community Management Services, Owner). Council District 6. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow the removal of three (3) trees: one Sycamore, one Eucalyptus and one Alder with Diameters of 34, 19.5 and 34 inches. Trees are located by 2036-2043 Hamilton Pl, by 1332-1335 Greenwich Court, and 1312-1323 Greenwich Court on the commons of Hamilton Place of approximately .62 acres in the A(PD) Zoning District.

- g. **PDA83-011-01.** Tree Removal Permit to allow removal of eight (8) Pine trees with circumferences ranging from 72 to 108 inches on the grounds of a multi-family complex in the A(PD) Planned Development Zoning District, located on the south side of Rose Avenue 300' Easterly Capital Avenue (104 Rose Avenue) (Crawford, Stephen G and Debora L Trustee, Owner). Council District 5. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow removal of eight (8) Pine trees with circumferences ranging from 72 to 108 inches on the grounds of a multi-family complex in the A(PD) Planned Development Zoning District.

- h. **PDA84-046-05.** Tree Removal Permit to allow removal of one Populus Nigra with a circumference of 60 inches on the common grounds of a multi-residential complex on approximately 1.4 acres in the R-1-8(PD) Planned Development Zoning District, located at the Northwest Corner of Branham and Rahway, Branham Lane, Rahway Drive (511 Verano Ct) (Ramirez, Robert A, Owner). Council District 2. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow removal of one Populus Nigra with a circumference of 60 inches on the common grounds of a multi-residential complex on approximately 1.4 acres in the R-1-8(PD) Planned Development Zoning District.

- i. **TR12-190.** Tree Removal Permit to allow the removal of three (3) live trees: two (2) Chinese Elm and one (1) Podocarpus approximately 50, 56, and 56 inches in circumference at an existing multi-family complex in the R-M Multiple Residence Zoning District, located at 1155 WEYBURN LN UNIT 17. Council District 1. CEQA: Exempt. *Project Manager, Matthew VanOosteen*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow the removal of three (3) live trees: two (2) Chinese Elm and one (1) Podocarpus approximately 50, 56, and 56 inches in circumference at an existing multi-family complex in the R-M Multiple Residence Zoning District.

- j. **TR12-191.** Tree Removal Permit to allow the removal of one (1) Redwood tree approximately 71 inches in circumference located in the rear yard of an existing single family residence in the R-1-5(PD) Planned Development Zoning District, located at 7274 ALDER SPRING WY (Gutierrez Elena And Pablo, Owner). Council District 2. CEQA: Exempt. *Project Manager, Matthew VanOosteen*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow the removal of one (1) Redwood tree approximately 71 inches in circumference located in the rear yard of an existing single family residence in the R-1-5(PD) Planned Development Zoning District.

- k. **TR12-192.** Tree Removal Permit to allow the removal of one (1) Pine tree approximately 98 inches in circumference located in the rear yard of a single family residence in the R-1-8 Single-Family Residence Zoning District, located at 5404 GREENBANK CT (Fahs Brian M And Renee L Trustee, Owner). Council District 9. CEQA: Exempt. *Project Manager, Matthew VanOosteen*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow the removal of one (1) Pine tree approximately 98 inches in circumference located in the rear yard of a single family residence in the R-1-8 Single-Family Residence Zoning District.

- l. **TR12-195.** Tree Removal Permit to allow the removal of one (1) Eucalyptus Tree approximately 89 inches in circumference located in the rear of an existing single family residence in the R-1-8 Single-Family Residence Zoning District, located at 2247 WESTGATE AV (Stockwell Peggy L, Owner). Council District 6. CEQA: Exempt. *Project Manager, Matthew VanOosteen*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow the removal of one (1) Eucalyptus Tree approximately 89 inches in circumference located in the rear of an existing single family residence in the R-1-8 Single-Family Residence Zoning District.

- m. **TR12-196.** Tree Removal Permit to allow the removal of one (1) Ash Tree approximately 74 inches in circumference located on the side of an existing single family residence in the R-1-8 Single-Family Residence Zoning District, located at 1238 FREMONT ST (Hull Melvin S, Owner). Council District 6. CEQA: Exempt. *Project Manager, Matthew VanOosteen*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow the removal of one (1) Ash Tree approximately 74 inches in circumference located on the side of an existing single family residence in the R-1-8 Single-Family Residence Zoning District.

- n. **TR12-197.** Tree Removal Permit to allow the removal of one (1) Acacia Tree approximately 139 inches in circumference located in the rear of an existing single-family residence in the R-1-8 Single-Family Residence Zoning District, located at 498 S 13th Street (Lange Heather E Et Al, Owner). Council District 3. CEQA: Exempt. *Project Manager, Matthew VanOosteen*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Tree Removal Permit to allow the removal of one (1) Acacia Tree approximately 139 inches in circumference located in the rear of an existing single-family residence in the R-1-8 Single-Family Residence Zoning District.

- o. **TR12-200.** Tree Removal Permit to allow removal of one (1) Eucalyptus tree with circumference of 120 inches located in the rear yard of a .29 acre single family lot in the R-1-8 Single-Family Residence Zoning District, located at 213 South 12th Street (See Family Land Llc, Owner). Council District 3. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow removal of one (1) Eucalyptus tree with circumference of 120 inches located in the rear yard of a .29 acre single family lot in the R-1-8 Single-Family Residence Zoning District.

- p. **TR12-201.** Tree Removal Permit to allow removal of one (1) Red Cedar tree approximately 80 inches in circumference, located in the side-yard of a single family lot in the A(PD) Residential Neighborhood Zoning District, at 70 County Fields Lane (Francesca Huynh, Owner). Council District 2. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow removal of one (1) Red Cedar tree approximately 80 inches in circumference, located in the side-yard of a single family lot in the A(PD) Residential Neighborhood Zoning District.

- q. **TR12-202.** Tree Removal Permit to allow removal of one (1) Almond tree with circumference of 72 inches located in the rear yard of a single-family residence on .21 acres at a R-1-8 Single-Family Residence Zoning District, located at 6127 Bava Court (Steiger, Richard L And Jeanne I Trustee, Owner). Council District 2. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow removal of one (1) Almond tree with circumference of 72 inches located in the rear yard of a single-family residence on .21 acres at a R-1-8 Single-Family Residence Zoning District.

- r. **TR12-203.** Tree Removal Permit to remove one (1) Incense Cedar tree with circumference of 90" located in the rear yard of a single-family residence on .178 acres in the R-1-8 Single-Family Residence Zoning District, located at 4155 Houndsbrook Way (Hart, Erma B And Emmett M, Owner). Council District 2. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to remove one (1) Incense Cedar tree with circumference of 90" located in the rear yard of a single-family residence on .178 acres in the R-1-8 Single-Family Residence Zoning District.

- s. **TR12-204.** Tree Removal Permit to allow the removal of two (2) trees, of unknown species, approximately 58-inches and 64-inches in circumference, located in the side-yard and back-yard of a two-family residence in the R-2 Two-Family Residence Zoning District, located at/on the 970 Gretchen Lane (Anderson, Patricia, Owner). Council District 1. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow the removal of two (2) trees, of unknown species, approximately 58-inches and 64-inches in circumference, located in the side-yard and back-yard of a two-family residence in the R-2 Two-Family Residence Zoning District.

- t. **TR12-205.** Tree Removal Permit to allow removal of one (1) Shamel Ash tree 80 inches in circumference on a 0.15 single-family gross acre site in the R-1-8 Single-Family Residence Zoning District, located at 2079 Colusa Way (Ritchie, Patricia O Trustee, Owner). Council District 1. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow removal of one (1) Shamel Ash tree 80 inches in circumference on a 0.15 single-family gross acre site in the R-1-8 Single-Family Residence Zoning District.

- u. **TR12-207.** Tree Removal Permit to allow removal of one (1) Pine Tree with circumference of 104 inches located in the front yard of a single family home on .233 acres in the R-1-5 Single-Family Residence Zoning District, located at 4942 Eberly Drive (Ngo, Binh V And Thu H T, Owner). Council District 2. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow removal of one (1) Pine Tree with circumference of 104 inches located in the front yard of a single family home on .233 acres in the R-1-5 Single-Family Residence Zoning District.

- v. **TR12-208.** Tree Removal Permit to allow removal of one (1) tree of unknown species with circumference of 105" located in the side yard of a single-family residence on .144 acres in the R-1-8 Single-Family Residence Zoning District, located at 325 Avenida Nogales (Nguyen, Thu And Loi Halina, Owner). Council District 10. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow removal of one (1) tree of unknown species with circumference of 105" located in the side yard of a single-family residence on .144 acres in the R-1-8 Single-Family Residence Zoning District.

- w. **TR12-209.** Tree Removal Permit to allow removal of one (1) Cedar tree with a circumference of 112 inches located in the front yard of a single family home on .33 acres in the R-1-8 Single-Family Residence Zoning District, located at 15133 Union Ave (Chan, Andy Tsz K And Hoi Lee C, Owner). Council District 9. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow removal of one (1) Cedar tree with a circumference of 112 inches located in the front yard of a single family home on .33 acres in the R-1-8 Single-Family Residence Zoning District.

- x. **TR12-210.** Tree Removal Permit to allow removal of one (1) Pepper tree with circumference of 68 inches located in the side yard of a single family home on .10 acres in the R-M Multiple Residence Zoning District, located at 1374 Randol Ave (Wiesner, Michael, Owner). Council District 6. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow removal of one (1) Pepper tree with circumference of 68 inches located in the side yard of a single family home on .10 acres in the R-M Multiple Residence Zoning District.

- y. **TR12-211.** Tree Removal Permit to allow removal of four (4) Eucalyptus trees with circumferences ranging from 68" to 116" in the side lot of a .344 acre commercial lot in the HI Heavy Industrial Zoning District, located at 2350 South 10th Street (Nguyen, Can T And Giang T, Owner). Council District 7. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA.
Approve a Tree Removal Permit to allow removal of four (4) Eucalyptus trees with circumferences ranging from 68" to 116" in the side lot of a .344 acre commercial lot in the HI Heavy Industrial Zoning District.

- z. **TR12-212.** Tree Removal Permit request to establish mitigation measures for the removal of one hazardous Black Acacia tree with circumference of 8 feet on a single family lot of .2 acres. The tree has already been removed by the authority of the City Arborist in the R-1-8 Single-Family Residence Zoning District, located at the 699 Morse Street (Hertz, Ilene M Trustee, Owner). Council District 6. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA.
Approve a Tree Removal Permit request to establish mitigation measures for the removal of one hazardous Black Acacia tree with circumference of 8 feet on a single family lot of .2 acres. The tree has already been removed by the authority of the City Arborist in the R-1-8 Single-Family Residence Zoning District.

- aa. **TR12-213.** Tree Removal Permit to allow removal of one tree of unknown species tree with circumference of 92 inches in the backyard of a single family lot of .13 acres, in the R-1-5(PD) Planned Development Zoning District, located at the 1954 Commodore Drive (Devasia, Mani C And Thresi M, Owner). Council District 4. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA.
Approve a Tree Removal Permit to allow removal of one tree of unknown species tree with circumference of 92 inches in the backyard of a single family lot of .13 acres, in the R-1-5(PD) Planned Development Zoning District.

- bb. **TR12-214.** Tree Removal Permit to allow removal of one Modesto Ash tree with circumference of 65 inches on a single family lot of .14 acres, in the R-1-8 Single-Family Residence Zoning District, located at 2186 Marques Ave (Pirrone, Susan M Trustee, Owner). Council District 6. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA.
Approve a Tree Removal Permit to allow removal of one Modesto Ash tree with circumference of 65 inches on a single family lot of .14 acres, in the R-1-8 Single-Family Residence Zoning District.

- cc. **TR12-215.** Tree Removal Permit to allow removal of two (2) Liquid Amber trees with circumferences of 86 and 63 inches on the side yard of a single family lot in the R-1-8 Single-Family Residence Zoning District, located at 5618 West Walbrook Drive (Forristel, Francis J Jr And Nancy W, Owner). Council District 1. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA.
Approve a Tree Removal Permit to allow removal of two (2) Liquid Amber trees with circumferences of 86 and 63 inches on the side yard of a single family lot in the R-1-8 Single-Family Residence Zoning District.

- dd. **TR12-218.** Tree Removal Permit to allow for the removal of one (1) 20 inch diameter Tree of Heaven and one (1) 36 inch diameter Palm from the side-yard of a two-family lot, in the R-1-8 Single-Family Residence Zoning District, located at 126 Clayton Ave (Feinstein, Mary Trustee, Owner). Council District 3. CEQA: Exempt. *Project Manager, Emily Lipoma*
- Staff Recommendation:** Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow for the removal of one (1) 20 inch diameter Tree of Heaven and one (1) 36 inch diameter Palm from the side-yard of a two-family lot, in the R-1-8 Single-Family Residence Zoning District.
- ee. **TR12-219.** Tree Removal Permit to allow the removal of one (1) Catalina Pine approximately 112 inches in circumference from the front yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District, located at 6353 Tucker Drive (Houghton, Olwyn Trustee, Owner). Council District 1. CEQA: Exempt. *Project Manager, Emily Lipoma*
- Staff Recommendation:** Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow the removal of one (1) Catalina Pine approximately 112 inches in circumference from the front yard of a single-family residence in the R-1-8 Single-Family Residence Zoning District.
- ff. **TR12-220.** Tree Removal Permit to allow the removal of one (1) Maple tree approximately 91 inches in circumference from the front yard of a single-family residence on an approximately .24 acre lot in the R-1-8 Single-Family Residence Zoning District, located at 1236 Avis Drive (Muzzio, John D Trustee & Et Al, Owner). Council District 6. CEQA: Exempt. *Project Manager, Emily Lipoma*
- Staff Recommendation:** Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow the removal of one (1) Maple tree approximately 91 inches in circumference from the front yard of a single-family residence on an approximately .24 acre lot in the R-1-8 Single-Family Residence Zoning District.
- gg. **TR12-221.** Tree Removal Permit to allow the removal of one (1) Ash tree approximately 120 inches in circumference and one (1) Palm tree approximately 90 inches in circumference from the front and rear yards respectively of a single-family residence on an approximately .30 acre lot in the R-1-5 Single-Family Residence Zoning District, located at 6524 Creek Bank Court (Us Bank Na Ttee, Owner). Council District 10. CEQA: Exempt. *Project Manager, Emily Lipoma*
- Staff Recommendation:** Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow the removal of one (1) Ash tree approximately 120 inches in circumference and one (1) Palm tree approximately 90 inches in circumference from the front and rear yards respectively of a single-family residence on an approximately .30 acre lot in the R-1-5 Single-Family Residence Zoning District.
- hh. **TR12-222.** Tree Removal Permit to allow removal of one (1) Raywood Ash tree measuring approximately 70 inches in circumference in the front yard of a single family lot of .15 acres in the R-1-8 Single-Family Residence Zoning District, located at 2139 Ebbesen Avenue (Subramaniam, Shankar And Tharmalingam Gopith, Owner). Council District 9. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow removal of one (1) Raywood Ash tree measuring approximately 70 inches in circumference in the front yard of a single family lot of .15 acres in the R-1-8 Single-Family Residence Zoning District.

- ii. **TR12-223.** Tree Removal Permit to allow removal of one (1) Walnut tree measuring approximately 87 inches in circumference in the front yard of a single family lot of .15 acres in the R-1-8 Single-Family Residence Zoning District, located at 2407 Briarwood Drive (Palma, Margaret A, Owner). Council District 9. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow removal of one (1) Walnut tree measuring approximately 87 inches in circumference in the front yard of a single family lot of .15 acres in the R-1-8 Single-Family Residence Zoning District.

- jj. **TR12-225.** Tree Removal Permit to allow the removal of three (3) Monterey Pine trees ranging in size from 75 to 114 inches in circumference located in the side yard of a single family lot on .25 acres in the R-1-5 Single-Family Residence Zoning District, located at 6311 Mojave Drive (Haswell, Jonathan M And Kathleen D Trustee, Owner). Council District 10. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow the removal of three (3) Monterey Pine trees ranging in size from 75 to 114 inches in circumference located in the side yard of a single family lot on .25 acres in the R-1-5 Single-Family Residence Zoning District.

- kk. **TR12-226.** Tree Removal Permit to allow removal of one Liquid Amber tree 102 inches in circumference on a .25 gross acre single-family lot in the R-1-5 Single-Family Residence Zoning District, located at 1700 McBain Avenue (Praisewater, George And Grace Trustee, Owner). Council District 6. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow removal of one Liquid Amber tree 102 inches in circumference on a .25 gross acre single-family lot in the R-1-5 Single-Family Residence Zoning District.

- ll. **TR12-228.** Tree Removal Permit to allow the removal of one (1) Deodar Cedar tree, approximately 131-inches in circumference located in the front yard of an existing single-family detached residence in the R-1-8 Single-Family Residence Zoning District, located at 873 Brentwood Drive (Chemudupati, Vijaya R And Rama D, Owner). Council District 1. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow the removal of one (1) Deodar Cedar tree, approximately 131-inches in circumference located in the front yard of an existing single-family detached residence in the R-1-8 Single-Family Residence Zoning District.

- mm. **TR12-229.** Tree Removal Permit to allow removal of one (1) Eucalyptus tree with a circumference of 129 inches located in the side yard of a single family lot of .14 gross acres in the R-M Multiple Residence Zoning District, located at 469 South 3rd Street (Brown, William P And Myfanwy S Trustee, Owner). Council District 3. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA.
Approve a Tree Removal Permit to allow removal of one (1) Eucalyptus tree with a circumference of 129 inches located in the side yard of a single family lot of .14 gross acres in the R-M Multiple Residence Zoning District.

- nn. **TR12-230.** Tree Removal Permit to allow removal of two (2) Fan Palm trees measuring 60 inches in circumference located in the rear yard of a single-family lot on .12 gross acres in the A(PD) Planned Development Zoning District, located at 292 Pennyhill Drive (Zody, Douglas B Trustee, Owner). Council District 5. CEQA: Exempt *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA.
Approve a Tree Removal Permit to allow removal of two (2) Fan Palm trees measuring 60 inches in circumference located in the rear yard of a single-family lot on .12 gross acres in the A(PD) Planned Development Zoning District.

- oo. **TR12-231.** Tree Removal Permit to allow removal of two (2) Ash trees with circumferences of 76 and 66 inches located on the side yard of a single-family lot on .18 gross acres in the R-1-5 Single-Family Residence Zoning District, located at 2416 Heritage Drive (Brown, Arlene And Gregory J Trustee, Owner). Council District 6. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA.
Approve a Tree Removal Permit to allow removal of two (2) Ash trees with circumferences of 76 and 66 inches located on the side yard of a single-family lot on .18 gross acres in the R-1-5 Single-Family Residence Zoning District.

- pp. **TR12-233.** Tree Removal Permit to allow removal of one (1) Mayten tree with 73 inches in circumference in the front yard of a single- family lot on a .18 acre parcel in the R-1-8 Single-Family Residence Zoning District, located at 1561 Koch Lane (Campbell, Nigel C And Ryan Sheri D, Owner). Council District 9. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA.
Approve a Tree Removal Permit to allow removal of one (1) Mayten tree with 73 inches in circumference in the front yard of a single- family lot on a .18 acre parcel in the R-1-8 Single-Family Residence Zoning District.

- qq. **TR12-234.** Tree Removal Permit to allow removal of one (1) Ash tree with a circumference of 141" located in the front yard of a single family lot of .18 acres in the R-1-8 Single-Family Residence Zoning District, located at 819 Hermiston Drive (Santoro, Mark S And Kari Joy O Trustee, Owner). Council District 9. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA.
Approve a Tree Removal Permit to allow removal of one (1) Ash tree with a circumference of 141" located in the front yard of a single family lot of .18 acres in the R-1-8 Single-Family Residence Zoning District.

- rr. **TR12-235.** Tree Removal Permit to allow removal of one (1) Elm tree with circumference of 93 inches located in the rear yard on a single-family lot on .16 acres in the R-1-8 Single-Family Residence Zoning District, located at 1018 Clintonia Avenue (Claudia Forman, Owner). Council District 6. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow removal of one (1) Elm tree with circumference of 93 inches located in the rear yard on a single-family lot on .16 acres in the R-1-8 Single-Family Residence Zoning District.

- ss. **TR12-236.** Tree Removal Permit to allow removal of one Redwood tree, approximately 96 inches in circumference located in the front yard of a single-family residence in the R-1-5 Single-Family Residence Zoning District located at 6118 Oak Forest Way (Stamos, Lucas S And Anne Trustee, Owner). Council District 10. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow removal of one Redwood tree, approximately 96 inches in circumference located in the front yard of a single-family residence in the R-1-5 Single-Family Residence Zoning District.

The consent calendar is now closed.

3. PUBLIC HEARING

- a. **HA84-098-01.** Tree Removal Permit to allow removal of two (2) Coast Redwood trees with circumferences of 82 and 97 inches from the grounds of a commercial lot in the CN Neighborhood Commercial Zoning District, located at 974 Willow St (Uyesugi Kazuya Trustee & Et Al, Owner). Council District 6. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow removal of two (2) Coast Redwood trees with circumferences of 82 and 97 inches from the grounds of a commercial lot in the CN Neighborhood Commercial Zoning District.

- b. **PDA79-077-03.** Tree Removal Permit to allow removal of two (2) Bradford Pear trees with circumferences of 63.5 and 69 inches on the common area grounds of Woodleaf Commons, a multi-family condominium complex on approximately 5 acres in the A(PD) Planned Development Zoning District, located at 2517 and 2538 Blue Rock Ct (Acevedo, Genoveva, Owner). Council District 4. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Removal Permit to allow removal of one (1) Bradford Pear tree with circumference of 63.5 at 2517 Blue Rock Court and deny removal of one (1) Bradford Pear tree with circumference of 69 inches at 2538 Blue Rock Court on the common area grounds of Woodleaf Commons, a multi-family condominium complex on approximately 5 acres in the A(PD) Planned Development Zoning District.

- c. **PDA96-094-01**. Tree Permit to allow removal of three (3) trees including one London Plane Sycamore 37 inches in circumference and two Canary Pine trees 62 and 71 inches in circumference on a multi-family lot of .5 acres in the A(PD) Planned Development Zoning District, located at 79 Rosebay Court (Phung Vuong And Vu Thu A, Owner). Council District 5. CEQA: Exempt. *Project Manager, Emily Lipoma*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Tree Permit to allow removal of two (2) Canary Pine trees 62 and 71 inches in circumference, and deny removal of one London Plane Sycamore 37 inches in circumference on a multi-family lot of .5 acres in the A(PD) Planned Development Zoning District.

- d. **SP12-028**. Special Use Permit to allow two retaining walls greater than two feet in height in the R-1-8 Residence Zoning District on 0.83 gross acre site, located on the east side of Lookout Bend, approximately 590 feet southerly of Leyland Park Drive (6728 LOOKOUT BEND) (Schweizer Earle III And Stephanie, Owner). Council District 10. SNI: None. CEQA: Exempt. *Project Manager, Kristinae Toomians*

Staff Recommendation: Consider the exemption in accordance with CEQA. Approve a Special Use Permit to allow two retaining walls greater than two feet in height in the R-1-8 Residence Zoning District.

This concludes the Planning Director's Hearing for November 28, 2012. Thank you.

PLANNING DIRECTOR'S AGENDA ON THE WEB:

<http://www.sanjoseca.gov/planning/hearings/DefaultDH.asp>

PUBLIC INFORMATION COUNTER
CITY OF SAN JOSÉ (408) 535-3555

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

**CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN
THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)**

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:
- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
 - b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
 - c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
 - d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
 - e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
 - f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
 - g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.